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97TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 97-793

COMPLETED 45

TECHNICAL CORRECTIONS

SEPTEMBER 8, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DINGELL, from the Committee on Energy and Commerce, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 6355]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 6355) to make technical corrections in health and other laws amended by the Omnibus Budget Reconciliation Act of 1981, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the introduced bill) are follows:

Page 1, line 7, strike out "1000" and insert in lieu thereof "1001".

Page 6, line 21, strike out "and".

Page 8, strike out lines 1 through 5 and insert in lieu thereof the following:

> (d) Section 31(b)(1) of such Act (15 U.S.C. 2080(b)(1)) is amended by striking out "The Commission" and all that follows through "Substances Act," and inserting in lieu thereof the following:
>
> "(b)(1) The Commission may not issue—

Page 8, line 15, strike out "Technical Advisory Committee" and insert in lieu thereof "technical advisory committee".

Page 9, line 4, strike out "12(c)(2)" and insert in lieu thereof "12(c)(1)".

Page 9, beginning in line 13, strike out "Authorizations of Appropriations" and insert in lieu thereof "Appropriations Authorizations".

Page 11, insert after line 25 the following:

> SEC. 7. (a) Title IV of the Public Health Service Act is amended by adding at the end the following new part:

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"PART F—OTHER AGENCIES OF NIH

"National Institute for Occupational Safety and Health

"SEC. 481. The National Institute for Occupational Safety and Health is an agency of the National Institutes of Health.".

(b)(1) Subsections (a) and (b) of section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) are amended by striking out "in the Department of Health, Education, and Welfare".

(2) Subsection (b) of such section 22 is amended by adding after the first sentence the following: "The Institute shall be an agency of the National Institutes of Health.".

(3) Such section 22 is amended by striking out "Secretary of Health, Education, and Welfare" each place it occurs and inserting in lieu thereof "Secretary of Health and Human Services".

SEC. 8. (a) The paragraph beginning with "Service and supply fund:" under the heading "PUBLIC HEALTH SERVICE" in the Federal Security Agency Appropriation Act, 1946 (42 U.S.C. 231), is amended by inserting ", or in advance," after "stock furnished".

(b)(1) The matter in section 1706(a) (42 U.S.C. 300u–5(a)) of the Public Health Service Act preceding paragraph (1) is amended by striking out "Health Information, Health Promotion and Physical Fitness and Sports Medicine" and inserting instead "Health Promotion".

(2) The heading to section 1706 (42 U.S.C. 300u–5) of such Act is amended to read "Office of Health Promotion".

(c) The first sentence of section 311(c)(2) (42 U.S.C. 243(c)(2)) of the Public Health Service Act is amended by striking out "forty-five days" and inserting instead "six months".

SEC. 9. Section 340(g) (42 U.S.C. 256(g)) is amended (1) by striking out "and" after "1980," in paragraph (1) and by inserting before the period in that paragraph a comma and "and $3,000,000 for the fiscal year ending September 30, 1982", and (2) by inserting "and" after "1980," in paragraph (2) and by striking out in that paragraph ", and $3,000,000 for the fiscal year ending September 30, 1982".

PURPOSE AND SUMMARY

H.R. 6355 is necessary to correct errors made in drafting the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35) and to update and streamline various provisions of law within the Committee's jurisdiction. The legislation was developed in close consultation with the Department of Health and Human Services and reflects the Department's guidance and suggestions.

BACKGROUND AND NEED FOR THE LEGISLATION

See statement of Purpose and Section-by-Section Analysis.

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Hearings

Due to the technical, noncontroversial nature of the legislation, no public hearings were held by the Committee's Subcommittee on Health and the Environment.

Committee Consideration

On May 11, 1982 H.R. 6355 was introduced by Mr. Waxman. On June 12, 1982, the Committee met in open session and ordered the bill reported, with an amendment, by unanimous voice vote.

Committee Oversight Findings

Pursuant to clause 2(1)(3)(A) of Rule XI of the Rules of the House of Representatives, no oversight findings or recommendations have been made by the Committee.

Committee on Government Operations

Pursuant to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Operations.

Committee Cost Estimate

In compliance with clause 7(a) of rule XIII of the Rules of the House of Representatives, the Committee believes that the bill will not have a significant budget effect for Fiscal Year 1983. The costs incurred in carrying out H.R. 6355 are reflected by the following Table.

Authorization level—
Nurse Training Grants (831(a)):

Fiscal year:	*Millions*
1983	$0.4
1984	0.8
1985	----
1986	----
1987	----

Congressional Budget Office Estimate

U.S. Congress,
Congressional Budget Office,
Washington, D.C., July 21, 1982.

Hon. John D. Dingell,
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 6355, a bill to make technical corrections in health and other laws amended by the Omnibus Budget Reconciliation Act of 1981, and for other purposes.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

Alice M. Rivlin, *Director.*

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CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 6355.

2. Bill title: A bill to make technical corrections in health and other laws amended by the Omnibus Budget Reconciliation Act of 1981, and for other purposes.

3. Bill status: As ordered reported by the House Comimttee on Energy and Commerce on June 2, 1982.

4. Bill purpose: The bill would amend Title XIX of the Public Health Service Act by extending for two years the authorization for grants made to public or private nonprofit institutions for the training of licensed, registered nurses to be nurse anesthetists.

5. Cost estimate:

[By fiscal year, in millions of dollars]

	1983	1984	1985	1986	1987
Authorization level: Nurse training grants (831(a))	0.4	0.8	----	----	----
Estimated outlays: Nurse training grants (831(a))	.1	.5	0.4	0.1	0.1

Note: The costs of this bill fall within function 550.

6. Basis for estimate: All authorization levels are stated in the bill. Authorized amounts are assumed to be fully appropriated at the beginning of each fiscal year. Outlays are estimated using spendout rates computed by CBO on the basis of appropriate recent program data.

This bill would also make technical corrections in health and other laws amended by the Omnibus Reconciliation Act of 1981. The technical correction would have no budgetary impact.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Hinda Ripps Chaikind and Chuck Stafford.

10. Estimate approved by:

C. G. NUCKOLS
(For James L. Blum,
Assistant Director for Budget Analysis).

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee makes the following statement with regard to the inflationary impact of the reported bill:

The primary purpose of H.R. 6355 is to make only technical corrections in provisions of law under the jurisdiction of the Committee. The Committee, therefore, believes the bill will have no significant effect upon the economy.

SECTION-BY-SECTION ANALYSIS

SECTION ONE

Subsection (a) inserted a semicolon in place of a comma in subsection (a) of Section 931 of the Omnibus Budget Reconciliation Act

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of 1981 and makes conforming amendments to Sections 1001(c), 1003 (b) and 1005(b) of the Public Health Service Act.

Subsection (b) amends Section 936(b)(1) of the Omnibus Budget Reconciliation Act of 1981 to correct an erroneous reference to the United States Code.

Subsection (c) amends Section 942(i) of the Omnibus Budget Reconciliation Act of 1981 to correct an erroneous reference to the Public Health Service Act.

Subsection (d)(1) amends Section 963(b)(4) of the Omnibus Budget Reconciliation Act of 1981 to correct an erroneous reference to a clause. Paragraph (2) amends Section 311(a)(3) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act to change a period to a comma.

Subsection (e) amends Section 965(a) of the Omnibus Budget Reconciliation Act of 1981 to delete an unnecessary paragraph and change paragraph indicators from letters to numbers.

Subsection (f) amends Section 1101(b) of the Public Health Service Act to insert a comma.

Subsection (g) amends Section 2741(a)(3) of the Omnibus Budget Reconciliation Act of 1981 to make a grammatical change.

SECTION TWO

Subsection (a) amends Section 338B(e) of the Public Health Service Act to clarify that service under a National Research Service Award qualifies for fulfilling the requirement for obligated service under the Public Health and National Health Service Corps Scholarship Training Program.

Subsection (b) amends Section 337(a) of the Public Health Service Act to clarify the authority of the National Advisory Council to advise the Secretary of the Department of Health and Human Services on administration of the National Health Service Corps Program.

Subsection (c) amends Section 338D(b) of the Public Health Service Act to correct a typographical error.

Subsection (d) amends Section 338E(d)(1) of the Public Health Service Act to correct a typographical error.

Subsection (e) amends Section 1536 of the Public Health Service Act to make a grammatical change.

Subsection (f) amends Section 1904(a)(1)(F) of the Public Health Service Act to clarify that funds awarded to grantees under Section 1905(c)(2) may be used for the purchase of emergency medical service equipment.

Subsection (g) amends Section 1912(b) of the Public Health Service Act to revise the formula for allotment of funds to States under the Alcohol, Drug Abuse and Mental Health Services (ADM) Block Grant. The Committee amendment clarifies Congressional intent that the national ratio of mental health funds to substance abuse funds should be approximately equal. The Committee proposal provides that for the purpose of establishing a formula for allocating funds between States, funds provided to States under Section 301 of the Public Health Service Act for mental health services demonstrations during fiscal year 1981 shall be included in determining State allot-

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ments. The revised formula shall take effect beginning with the 1983 fiscal year.

The Committee does not intend that the changes in the funding formula proposed by this section be interpreted to modify or otherwise affect the existing statutory limitations on the use of mental health block grant funds by States contained in Section 1914(a)(1)(B) of the Public Health Service Act. Further, the Committee proposal does not affect continued Federal support of community support project (CSP) demonstrations for the chronically mentally ill. Support of CSP's continues to be a direct responsibility of the National Institute of Mental Health.

Subsection (h) amends Section 1915(c)(5) of the Public Health Service Act to make grammatical corrections.

Subsection (i) amends Section 1915(c)(6)(A)(i) to conform the section to revisions in the Alcohol, Drug Abuse and Mental Health Services Block Grant made by subsection (g) of the Committee proposal.

SECTION THREE

Section 3 makes a number of technical and conforming amendments to the Consumer Product Safety Act (CPSA) and related Acts administered by the Consumer Product Safety Commission.

Subsection (a) amends Section 6(b)(1) of CPSA to correct the reference in the first sentence of that subsection to read "paragraph (4)" instead of "paragraph (2)."

Subsection (b) amends Section 19(a)(7) of CPSA to correct a cross reference to Section 9 of the Act. The provision amends Section 19 to cite Section 9(g)(2) which is the correct referent. Also, subsection (b) amends Section 19 by deleting paragraph (8) of that section and renumbering the following paragraphs. This technical amendment is necessary because paragraph (8) refers to a non-existent provision, Section 13 of CPSA, which was stricken by the Omnibus Budget Reconciliation Act of 1981.

Subsection (c) makes a technical correction in the second sentence of Section 11(c) of CPSA by changing the reference from "Section 10(e)(4)" to "subsection (F)." This corrected reference will explain terms used in Section 11(c).

Subsection (d) amends Section 31(b)(1) of CPSA to correct the reference in subparagraph (B) to Section 27(e). This is necessary because the agency does not issue an advance notice of proposed rulemaking for rules under Section 27(e). The technical amendment brings Section 31(b)(1) into conformity with the statutory procedure under Section 27(e) that requires the agency to issue a notice of proposed rulemaking for Section 27(e) rules.

Subsection (e) amends Section 3(a) of the Poison Prevention Packaging Act of 1970 by striking out the requirement that the agency consult with the Technical Advisory Committee. This conforming amendment is necessary because the Omnibus Budget Reconciliation Act of 1981 eliminated the Technical Advisory Committee.

Subsection (f) amends Section 15 of the Federal Hazardous Substances Act [FHSA] by adding a conforming provision. In the Omnibus Budget Reconciliation Act of 1981, Section 15 of FHSA was amended to give the agency flexibility comparable to that provided

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in Section 15 of CPSA. Subsection (f) is necessary to assure that the terms "manufacturer," "dealer" and "distributor" are given the same interpretation under both FHSA and CPSA.

Subsection (g) amends Section 1211(h)(4) of the Omnibus Budget Reconciliation Act of 1981 to delete the words "Science and Transportation" that were incorrectly attributed to Section 15(g)(1) of CPSA. In addition, subsection (g) corrects the reference in the first sentence of Section 15(g)(1) by amending "12(c)(1)" to read "12(d)(1)."

SECTION FOUR

Subsection (a) strikes subsections (a) and (b) of Section 709 of the Controlled Substances Act [CSA]. Appropriations for the administration of the CSA are authorized annually in the Department of Justice Appropriations Authorization Act. The authorization contained in Section 709 is redundant and therefore no longer necessary.

Subsection (b) amends the reference to Section 709 in the CSA Table of Contents to read "Payment of Tort Claims."

SECTION FIVE

Amends Section 831(b) of the Public Health Service Act to extend the authorization of appropriations for the training of nurse anesthetists—$400,000 is authorized for fiscal year 1983 and $800,000 is authorized for fiscal year 1984. Nationwide, nurse anesthetists administer 50 percent of all anesthesia care. In rural and small hospitals of fewer than 100 beds, nurse anesthetists administer two-thirds of all anesthesia care. These funds will help ease the current serious supply shortage of at least 5,000 to 8,000 anesthetists, as evidenced by a number of manpower studies as well as the sharp decrease in the number of training programs which have fallen from 225 to 145 in the past few years.

SECTION SIX

Subsection (a) amends Section 791(b)(3)(A) of the Public Health Service Act to delete a requirement that 80 percent of the funds awarded for traineeships to graduate programs in health administration be awarded to individuals who have previously received a post-baccalaureate degree or who have worked for three years in heatlh services. This change is consistent with a change made last year in the requirements for traineeships to schools of public health.

Subsection (b) amends Section 791(c)(2)(A) of the Public Health Service Act to delete a requirement that graduate programs in health administration maintain the number of first year students enrolled in the program.

Subsection (c)(1) amends Section 709(d) of the Public Health Service Act to clarify that the Secretary may use funds appropriated under any section of Title VII to support technical assistance activities. Paragraph (2) amends Title VIII of the Act to add a new section authorizing the Secretary of the Department of Health and Human Services to use funds appropriated under Title VIII to provide technical assistance.

Subsection (d) amends Section 1602(f)(2) of the Public Health Service Act to provide the Secretary of Health and Human Services

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the direct authority to sell real property acquired in the event of a default on a loan made under Titles VI or XVI.

Subsection (e) amends Section 306(l)(2) of the Public Health Service Act to eliminate a requirement that the National Center for Health Statistics serve as a clearinghouse for statistics and information regarding the effect of environmental conditions on public health.

Subsection (f) amends Section 308(d) of the Public Health Service Act to delete a provision allowing the Secretary to issue regulations permitting the use of data for purposes other than the purposes for which it was obtained.

Subsection (g) amends Section 330(d)(2) of the Public Health Service Act. Section 330 represents the Community Health Centers program [CHC] and describes the ways a CHC grant may be used to acquire, modernize or construct buildings for the provisions of health care services. The Committee proposal clarifies that the CHC grant can be used to repay Farmers Home Administration loans made for the purpose of constructing new buildings.

Subsection (h) amends Section 207(a)(1) of the Public Health Service Act to add psychologists to the types of health professionals recognized for appointment to the Regular Corps of the Public Health Service.

Subsection (i) repeals Section 302 of the Health Planning and Resources Development Amendments of 1979. That section provided for a study of a program authorized under Title XVI to assist and encourage the voluntary discontinuance and conversion of unneeded hospital services. No funds have ever been appropriated for that program.

SECTION SEVEN

The Committee proposal amends Title IV of the Public Health Service Act to add a new Part F which provides for the transfer of the National Institute for Occupational Safety and Health [NIOSH] to the National Institutes of Health. NIOSH was created as a national research institute in 1971. The Occupational Safety and Health Act required the Secretary of Health and Human Services to appoint the Director and to locate the Institute. In 1971 the Institute was placed in the Health Services and Mental Health Administration and in 1973 made a bureau in the Center for Disease Control.

The Committee proposal makes NIOSH an agency of the NIH but makes no changes in the actual operation of the Institute which is under the jurisdiction of the Committee on Education and Labor. The Committee encloses the following letter from the Chairman of the Committee on Education and Labor and its Subcommittee on Occupational Safety and Health.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C., May 25, 1982.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We are concerned about the provisions of H.R. 6459. These provisions were originally contained in H.R. 6338, an omnibus bill making amendments to the Public Health Service Act.

The proivsions are two, amending Section 22 of the Occupational Safety and Health Act (the provisions setting up NIOSH). The bill would transfer NIOSH from its present position in the Office of the Secretary of Health, Education and Welfare to the National Institutes of Health.

In spite of these amendments to the Occupational Safety and Health Act, H.R. 6338 was erroneously referred exclusively to the Committee on Energy and Commerce. I understand it has now been reported from the Subcommittee on Health and Environment to the Full Committtee.

H.R. 6459 was introduced last week and was also referred again, we think, erroneously, only to the Committee on Energy and Commerce. The provisions of this bill, of course, do nothing but amend the Occupational Safety and Health Act over which this Committee has jurisdiction.

We do not question your sole jurisdiction over the National Institutes of Health as such, but must insist that our Committee has jurisdiction over the National Institute for Occupational Safety and Health which was created by the Occupational Safety and Health Act of 1970. We are not inclined to oppose the basic purpose of H.R. 6459, to place NIOSH in NIH for organizational and administrative purposes. We feel it necessary, however, to preserve and protect the jurisdiction of the Committee on Education and Labor over NIOSH and the Occupational Safety and Health Act.

As a means of insuring our continued jurisdiction over NIOSH we request that you insert a copy of this letter in your Committtee Report, acknowledging that we continue to have jurisdiction. Otherwise it will be necessary for us to demand sequential referral of H.R. 6459 or any other bill which contains the same or similar language.

Copies of this letter are being delivered to the Speaker and the Parliamentarian to insure their knowledge of our concern with this legislation.

Sincerely,

JOSEPH M. GAYDOS,
Chairman, Subcommittee on Health and Safety.
CARL D. PERKINS,
Chairman.

The Committee on Energy and Commerce is in agreement that passage of H.R. 6355 does not and should not be interpreted to affect the jurisdiction of the Committee on Education and Labor over the operations of NIOSH. Similarly, nothing in H.R. 6355 shall be construed to imply jurisdiction of the Committee on Education and Labor over the operations of the National Institutes of Health for which the Committee on Energy and Commerce has jurisdiction.

The Committee strongly recommends that in addition to the transfer of the National Institute of Occupational Safety and Health [NIOSH] to the National Institutes of Health [NIH] the proposed consolidation of the NIOSH Division of Criteria Documentation and Standards Development in Rockville, Maryland, with the NIOSH Technical Services Division in Cincinnati, Ohio, be completed in Cincinnati, Ohio. The Committee believes that completion of this consolidation is necessary to ensure the most efficient operation of the agency. The Committee recognizes that the movement of the NIOSH Division of Criteria,

Documentation, Standards and Development to Cincinnati, Ohio, has been proposed by the Seecretary of the Department of Health and Human Services. The Committee endorses this proposal to improve the efficiency of the agency and recognizes that it is fully consistent with the agency's mission and function in protecting worker health and safety.

SECTION EIGHT

Subsection (a) amends the Federal Security Agency Appropriation Act (1946) to permit the research institutes of the National Institutes of Health [NIH] to advance funds to the NIH Service and Supply Fund. The proposal will enable more efficient cash management practices in the purchase of supplies for the national research institutes.

Subsection (b) simplifies the title of the Office of Health Information, Health Promotion and Physical Fitnesses and Sports Medicine.

Subsection (c) extends from forty-five days to six months the period in which the Secretary may provide assistance to States and localities in the event of health emergencies.

SECTION NINE

The Committee proposal amends Section 340(g) of the Public Health Service Act, which is the Primary Care Research and Demonstration program. During Fiscal Year 1981 the only authorization of appropriations in Section 340(g) was in paragraph (1) for rural projects. No authorizations were provided for urban projects under paragraph (2). The purpose of Section 903(b) of the Omnibus Budget Reconciliation Act of 1981 was to extend the rural project authorization for one year and to eliminate the urban project authorization. By mistake the authorization for Fiscal Year 1982 was included under the authority for urban projects. The Committee proposal shifts the Fiscal Year 1982 authorization to pertain to rural projects as the Congress intended.

Agency Views

The Committee has not received Departmental views on H.R. 6355.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

Omnibus Budget Reconciliation Act of 1981

* * * * * * *

TITLE IX—HEALTH SERVICES AND FACILITIES

* * * * * * *

Subtitle D—Categorical Programs

* * * * * * *

FAMILY PLANNING PROGRAMS

SEC. 931. (a)(1) Section 1001(c) of the Public Health Service Act (42 U.S.C. 300(c)) is amended by striking out "and" after [**"1980,"**] *"1980;"* and by inserting before the period a comma and the following: "$126,510,000 for the fiscal year ending September 30, 1982; $139,200,000 for the fiscal year ending September 30, 1983; and $150,830,000 for the fiscal year ending September 30, 1984".

(2) Section 1003(b) of such Act (42 U.S.C. 300a–1(b)) is amended by striking out ' and" after [**"1980,"**] *"1980;"* and by inserting before the period a comma and the following: "$2,920,000 for the fiscal year ending September 30, 1982; $3,200,000 for the fiscal year ending September 30, 1983; and $3,500,000 for the fiscal year ending September 30, 1984".

(3) Section 1005(b) of such Act (42 U.S.C. 300a–3(b)) is amended by striking out "and" after [**"1980,"**] *"1980;"* and by inserting before the period a comma and the following: "$570,000 for the fiscal year ending September 30, 1982; $600,000 for the fiscal year ending September 30, 1983; and $670,000 for the fiscal year ending September 30, 1984".

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Subtitle E—Health Planning

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CERTIFICATE OF NEED REVIEW

SEC. 936.(a) * * *

(b)(1) Section 1521(d)(1)(B) of the Public Health Service Act (42 U.S.C. [**300m(d)(1)(B)(ii)**] *300m(d)(1)(B)*) is amended—

(A) by striking out "twelve months" the second time it appears in clause (i) and inserting in lieu thereof "twenty-four months", and

(B) by striking out "twelve months" the second time it appears in clause (ii) and inserting in lieu thereof "twenty-four months".

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Subtitle F—Health Maintenance Organizations

CHAPTER 10—HEALTH MAINTENANCE ORGANIZATIONS

* * * * * * *

REVISION OF REQUIREMENTS FOR HEALTH MAINTENANCE ORGANIZATIONS

SEC. 942. (a) * * *

* * * * * * *

(i) Section 1302(5)B) is amended by striking out [**"feasible(1)"**] *"feasible (i)"* and inserting in lieu thereof "feasible," and by striking out "administrative staff" and all that follows in such section and inserting in lieu thereof "administrative staff.".

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Subtitle H—Alcohol and Drug Programs

CHAPTER 1—ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION

* * * * * * *

GRANTS AND CONTRACTS

SEC. 963. (a) The section heading for section 311 is amended to read as follows:

"GRANTS AND CONTRACTS FOR THE DEMONSTRATION OF NEW AND MORE EFFECTIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION PROGRAMS".

(b) Section 311(a) is amended—

(1) by adding at the end of clause (1) "and with particular emphasis on developing new and more effective alcohol abuse and alcoholism prevention, treatment, and rehabilittaion programs,";

(2) by inserting "and" after the comma the last place it appears in clause (2);

(3) by striking out clauses (3) and (5) and by redesignating clause (4) as clause (3); and

(4) by striking out the comma and "and" at the end of clause (3) (as redesignated by clause [(2)] *(3)* of this subsection) and inserting in lieu thereof a period.

* * * * * * *

ALCOHOL ABUSE RESEARCH AND RESEARCH CENTERS

SEC. 965. (a) Section 503 (42 U.S.C. 4587) is amended—

[(A) by inserting "(a)" after "503.",]

[(B)] *(1)* by striking out "the purposes of sections 501 and 502" and inserting in lieu thereof "this title",

[(C)] *(2)* by striking out "and" after "1980,", and

[(D)] *(3)* by striking out the period and inserting in lieu thereof a comma and the following: "$25,000,000 for the fiscal year ending September 30, 1982. Of the funds appropriated under this section for any fiscal year beginning after September 30, 1981, not more than 85 per centum may be obligated for grants under section 503.".

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TITLE XII—CONSUMER PRODUCT SAFETY AND COMMUNICATIONS

Subtitle A—Consumer Product Safety

* * * * * * *

MISCELLANEOUS

SEC. 1211. (a) * * *

* * * * * * *

(h)(1) Section 11(c) (15 U.S.C. 2060(c)) is amended by striking out "section 9(c)" and inserting in lieu thereof "sections 9(f)(1) and 9(f)(3)". (2) Section 11(a) is amended by striking out "9(a)(2)" and inserting in lieu thereof "9(d)(2)".

(3)(A) Section 11 is amended by adding at the end thereof the following:

"(f) For purposes of this section and sections 23(a) and 24, a reasonable attorney's fee is a fee (1) which is based upon (A) the actual time expended by an attorney in providing advice and other legal services in connection with representing a person in an action brought under this section, and (B) such reasonable expenses as may be incurred by the attorney in the provision of such services, and (2) which is computed at the rate prevailing for the provision of similar services with respect to actions brought in the court which is awarding such fee.".

(B) Section 23(a) (15 U.S.C. 2072(a)) is amended by striking out "10(e)(4)" and inserting in lieu thereof "11(f)".

(C) Section 24 (15 U.S.C. 2074) is amended by striking out "10(e)(4)" and inserting in lieu thereof "11(f)".

(4) Section 15(g)(1) (15 U.S.C. 2064(g)(1)) is amended [by inserting ", Science and Transportation" immediately after "on Commerce", and] by striking out "section 12(e)(1)" and inserting in lieu thereof "section [12(c)(1)] *(12)(d)(1)*".

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TITLE XXVII—NATIONAL HEALTH SERVICE CORPS; HEALTH PROFESSIONS EDUCATION; NURSE TRAINING

* * * * * * *

CHAPTER 2—HEALTH PROFESSIONS EDUCATION

* * * * * * *

GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS

SEC. 2741. (a) Section 784(a) (42 U.S.C. 295g-4(a)) is amended—

(1) by inserting ", public or private nonprofit hospital, or any other public or private nonprofit entity" after "osteopathy";

(2) by striking out "and" after the semicolon in paragraph (1);

(3) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon [and "and"]; and

* * * * * * *

PUBLIC HEALTH SERVICE ACT

* * * * * * *

TITLE II—ADMINISTRATION

* * * * * * *

APPOINTMENT OF PERSONNEL

SEC. 207. (a)(1) Except as provided in subsections (b) and (e) of this section, original appointments to the Regular Corps may be made only in the warrant officer (W-1), chief warrant officer (W-2), chief warrant officer (W-3), chief warrant officer (W-4), junior assistant,

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assistant, and senior assistant grades and original appointments to a grade above junior assistant shall be made only after passage of an examination, given in accordance with regulations of the President, in one or more of the several branches of medicine, dentistry, hygiene, sanitary engineering, pharmacy, *psychology*, nursing, or related scientific specialties in the field of public health.

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TITLE III—GENERAL POWERS AND DUTIES OF PUBLIC HEALTH SERVICE

PART A—RESEARCH AND INVESTIGATION

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NATIONAL CENTER FOR HEALTH STATISTICS

SEC. 306. (a) * * *

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(l) (1) The Secretary, acting through the Center, shall develop a plan for the collection and coordination of statistical and epidemiological data on the effects of the environment on health. Such plan shall include a review of the data now available on health effects, deficiencies in such data, and methods by which existing data deficiencies can be corrected. The Secretary shall submit such plan to the Congress not later than January 1, 1960.

(2) (A) The Secretary, acting through the Center and in cooperation with the Office of Federal Statistical Policy and Standards, shall establish, not later than two years after the date of the enactment of this subsection, guidelines for the collection, compilation, analysis, publication, and distribution of statistics and information necessary for determining the effects of conditions of employment and indoor and outdoor environmental conditions on the public health. Guidelines established under this subparagraph shall not (i) authorize or require the disclosure of any matter described in section 552(b)(6) of title 5, United States Code, and (ii) authorize or require the disclosure of any statistics or other information which is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section. The guidelines shall be reviewed and, if appropriate, revised at least every three years after the date they are initially established. Guidelines shall take effect on the date of the promulgation of the regulation establishing or revising the guidelines or such later date as may be specified in the guidelines.

(B) The guidelines shall be designed—

(i) to improve coordination of environmental and health studies, statistics, and information, and to prevent overlap and unnecessary duplication with respect to such studies, statistics, and information;

(ii) to assure that such studies, statistics, and information will be available to executive departments responsible for the administration of laws relating to the protection of the public health and safety or the environment;

(iii) to encourage the more effective use by executive departments of such studies, statistics, and information;

(iv) to improve the statistical validity and reliability of such studies, statistics, and information; and

(v) to assure greater responsiveness by the Department of Health and Human Services and other executive departments in meeting informational and analytical needs for determining the effects of employment and indoor and outdoor environmental conditions on public health.

(C) In establishing and revising guidelines under subparagraph (A), the Secretary shall take into consideration the plan developed pursuant to paragraph (1).

[(D) The Center shall serve as a clearinghouse for statistics and information with respect to which guidelines have been established under subparagraph (A).]

[(E)] *(D)* (i) Each executive department shall comply with the substantive and procedural requirements of the guidelines.

(ii) The President shall by Executive order require each executive department to comply with request, made in accordance with the guidelines, by the Secretary, the Administrator of the Environmental Protection Agency, the Consumer Product Safety Commission, or the Secretary of Labor for statistics and information.

(iii) The President may by Executive order exempt any executive department from compliance with a requirement of the guidelines respecting specific statistics or other information if the President determines that the exemption is necessary in the interest of national security.

[(F)] *(E)* In carrying out his duties under this paragraph, the Secretary, acting through the Center, shall, insofar as practicable, provide for coordination of his activities with those of other Federal agencies and interagency task forces relating to the collection, analysis, publication, or distribution of statistics and informaton necessary for determining the effects of conditions of employment and indoor and outdoor environmental conditions on the public health.

[(G)] *(F)* For purposes of this paragraph, the term "guidelines" means the guidelines, either as initially established or as revised, in effect under this paragraph.

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GENERAL PROVISIONS RESPECTING SECTIONS 304, 305, 306, 307, AND 309

SEC. 308. (a) * * *

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(d) No information; *if an establishment or person supplying the information or described in it is identifiable*, obtained in the course of activities undertaken or supported under section 304, 305, 306, 307, or 309 may be used for any purpose other than the purpose for which it was supplied unless [authorized by guidelines in the effect under section 306(1)(2) or under regulations of the Secretary] *such establishment or person has consented (as determined under regulations of the Secretary) to its use for such other purpose;* and (1) in the case of information obtained in the course of health statistical or epidemi-

ological activities under section 304 or 306, such information may not be published or released in other form if the particular establishment or person supplying the information or described in it is identifiable unless such establishment or person has consented (as determined under regulations of the Secretary) to its publication or release in other form, and (2) in the case of information obtained in the course of health services research, evaluations, or demonstrations under section 304 or 305 or in the course of health care technology activities under section 309, such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Secretary) to its publication or release in other form.

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PART B—FEDERAL-STATE COOPERATION

IN GENERAL

SEC. 311. (a) * * *

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(c)(1) The Secretary is authorized to develop (and may take such action as may be necessary to implement) a plan under which personnel, equipment, medical supplies, and other resources of the Service and other agencies under the jurisdiction of the Secretary may be effectively used to control epidemics of any disease or condition referred to in section 317(f) and to meet other health emergencies or problems involving or resulting from disasters or any such disease. The Secretary may enter into agreements providing for the cooperative planning between the Service and public and private community health programs and agencies to cope with health problems (including epidemics and health emergencies) resulting from disasters or any disease or condition referred to in section 317(f).

(2) The Secretary may, at the request of the appropriate State or local authority, extend temporary (not in excess of [forty-five days] *six months*) assistance to States or localities in meeting health emergencies of such a nature as to warrant Federal assistance. The Secretary may require such reimbursement of the United States for assistance provided under this paragraph as he may determine to be reasonable under the circumstances. Any reimbursement so paid shall be credited to the applicable appropriation for the Service for the year in which such reimbursement is received.

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PART D—PRIMARY HEALTH CARE

Subpart I—Primary Health Centers

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COMMUNITY HEALTH CENTERS

SEC. 330. (a) * * *

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(d)(1) * * *

(2) The costs for which a grant may be made under paragraph (1)(A) or (1)(B) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying interest on, loans), *the costs of repaying loans made by the Farmers Home Administration for buildings*, and the costs of providing training related to the provision of primary health services, supplemental health services and environmental health services, and to the management of community health center programs.

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Subpart II—National Health Service Corps Program

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NATIONAL ADVISORY COUNCIL

SEC. 337. (a) There is established a council to be known as the "National Advisory Council on the National Health Service Corps (hereinafter in this section referred to as the "Council"). The Council shall be composed of fifteen members appointed by the Secretary. The Council shall consult with, advise, and make recommendations to, the Secretary with respect to his responsibilities in [carrying out this subpart] *carrying out this subpart (other than section 338G)*, and shall review and comment upon regulations promulgated by the Secretary under this subpart.

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OBLIGATED SERVICE

SEC. 338B. (a) * * *

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(e) Notwithstanding any other provision of this title, service of an individual under a National Research Service Award awarded under subparagraph (A) or (A) of section 472(a)(1) shall be counted against the period of obligated service which the individual is required to perform under the Scholarship Program *or under section 225 as in effect on September 30, 1977.*

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BREACH OF SCHOLARSHIP CONTRACT

SEC. 338D. (a) An individual who has entered into a written contract with the Secretary under section 338A and who—

(1) fails to maintain an acceptable level of academic standing in the educational institution in which he is enrolled (such level determined by the educational institution under regulations of the Secretary),

(2) is dismissed from such educational institution for disciplinary reasons,

(3) voluntarily terminates the training in such an educational institution for which he is provided a scholarship under such contract, before the completion of such training, or

(4) fails to accept payment, or instructs the educational institution in which he is enrolled not to accept payment, in whole or in part, of a scholarship under such contract,

in lieu of any service obligation arising under such contract, shall be liable to the United States for the amount which has been paid to him, or on his behalf, under the contract.

(b)(1) Except as provided in paragraph (2), if (for any reason not specified in subsection (a) or section [338F(b)] *338E(d)*) an individual breaches his written contract by failing either to begin such individual's service obligation in accordance with section 338B or 338C or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula

$$A=3\phi(t-s/t)$$

in which "A" is the amount the United States is entitled to recover, "ϕ" is the sum of the amounts paid under this subpart to or on behalf of the individual and the interest on such amounts which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States, "t" is the total number of months in the individual's period of obligated service; and "s" is the number of months of such period served by him in accordance with section 338B or a written agreement under section 338C. Any amount of damages which the United States is entitled to recover under this subsection shall, within the one year period beginning on the date of the breach of the written contract, (or such longer period beginning on such date as specified by the Secretary for good cause shown) be paid to the United States.

(2) If an individual is released under section 753 from a service obligation under section 225 (as in effect on September 30, 1977) and if the individual does not meet the service obligation incurred under section 753, subsection (f) of such section 225 shall apply to such individual in lieu of paragraph (1) of this subsection.

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SPECIAL LOANS FOR FORMER CORPS MEMBERS TO ENTER PRIVATE PRACTICE

SEC. 338E. (a) * * *

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(d) If the Secretary determines that an individual has breached a written agreement entered into under subsection (a), he shall, as soon as practicable after making such determination notify the individual of such determination. If within 60 days after the date of giving such notice, such individual is not practicing his profession in accordance with the agreement under such subsection and has not provided assurances satisfactory to the Secretary that he will not knowingly violate such agreement again, the United States shall be entitled to recover from such individual—

(1) in the case of an individual who has received a grant under this section, an amount determined under section [338D(c)]

338D(b), except that in applying the formula contained in such section "ϕ" shall be the sum of the amount of the grant made under subsection (a) to such individual and the interest on such amount which would be payable if at the time it was paid it was a loan bearing interest at the maximum legal prevailing rate, "t" shall be the number of months that such individual agreed to practice his profession under agreement; and "s" shall be the number of months that such individual practices his profession in accordance with such agreement; and

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Subpart IV—Research and Demonstration Projects in Primary Care

PRIMARY CARE RESEARCH AND DEMONSTRATION PROJECTS

SEC. 340.* (a) * * *

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(g) (1) There are authorized to be appropriated for the purposes of funding grants and contracts under this section in areas that are not urbanized areas (as defined by the Census Bureau) $18,000,000 for the fiscal year ending September 30, 1979, $20,000,000 for the fiscal year ending September 30, 1980, [and] $22,000,000 for the fiscal year ending September 30, 1981, *and $3,000,000 for the fiscal year ending September 30, 1982.*

(2) There are authorized to be appropriated for the purposes of funding grants and contracts under this section in urbanized areas (as defined by the Census Bureau) $4,000,000 for the fiscal year ending September 30, 1979, $4,500,000 for the fiscal year ending September 30, 1980, *and* $5,000,000 for the fiscal year ending September 30, 1981[, and $3,000,000 for the fiscal year ending September 30, 1982]. No funds may be appropriated under this paragraph or paragraph (1) for a fiscal year beginning after September 30, 1982.

(3) The authority of the Secretary to enter into contracts under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

(4) The Secretary may continue to support, out of funds appropriated under this section, those demonstration projects which were funded under section 1110 of the Social Security Act during fiscal year ending September 30, 1978, and which are related to health services in rural medical underserved areas, but only if such projects can not be carried out under the authority of any other provision (other than section 301, 304, or 305) of this Act.

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TITLE IV—NATIONAL RESEARCH INSTITUTES

PART A—NATIONAL CANCER INSTITUTE

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PART F—OTHER AGENCIES OF NIH

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

SEC. 481. The National Institute for Occupational Safety and Health is an agency of the National Institutes of Health.

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TITLE VII—HEALTH RESEARCH AND TEACHING FACILITIES AND TRAINING OF PROFESSIONAL HEALTH PERSONNEL

PART A—GENERAL PROVISIONS

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APPLICATIONS, PAYMENTS, AND ASSURANCES UNDER GRANTS

SEC. 709. (a) Grants made under this title may be paid (1) in advance or by way of reimbursement, (2) at such intervals and on such conditions as the Secretary may find necessary, and (3) with appropriate adjustments on account of overpayments or underpayments previously made.

(b) No grant may be made or contract entered into under this title unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

(c) Whenever in this title an applicant is required to provide assurances to the Secretary, or an application is required to contain assurances or be supported by assurances, the Secretary shall determine before approving the application that the assurances provided are made in good faith.

[(d) The Secretary may provide technical assistance for the purpose of carrying out any program or purpose under this title.]

(d) Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

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PART G—PROGRAMS FOR PERSONNEL IN HEALTH ADMINISTRATION AND IN ALLIED HEALTH

Subpart I—Public Health Personnel

GRANTS FOR GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

SEC. 791. (a) From funds appropriated under subsection (d), the Secretary shall make annual grants to public or nonprofit private educational entities (including schools of social work and excluding accredited schools of public health) to support the graduate educational programs of such entities in health administration hospital administration, and health planning.

(b) The amount of the grant for any fiscal year under subsection (a) to an educational entity with an application approved under subsection (c) shall be equal to the amount appropriated under subsection (d) for such fiscal year divided by the number of educational entities which have applications for grants for such fiscal year approved under subsection (c).

(c) (1) No grant may be made under subsection (a) unless an application therefor has been submitted to the Secretary before such time as he shall by regulation prescribe and has been approved by the Secretary. Such application shall be in such form, and submitted in such manner, as the Secretary shall by regulation prescribe.

(2) The Secretary may not approve an application submitted under paragraph (1) unless—

[(A) such application—

[(i) contains assurances satisfactory to the Secretary that in the school year (as defined in regulations of the Secretary) beginning in the fiscal year for which the applicant receives a grant under subsection (a) that—

[(I) at least 25 individuals will complete the graduate educational programs of the entity for which such application is submitted; and

[(II) such entity shall expend or obligate at least $100,000 in funds from non-Federal sources to conduct such programs;

[(ii) contains assurances satisfactory to the Secretary that such entity shall maintain a first-year enrollment of full-time students in the programs, for the school year beginning in the fiscal year ending September 30, 1978, and for each school year thereafter beginning in a fiscal year for which a grant under this section is applied for, which exceeds the number of full-time, first-year students enrolled in such programs in the school year beginning in the fiscal year ending September 30, 1976—

[(I) by 5 percent of such number if such number was not more than 100, or

[(II) by 2.5 percent of such number, or 5 students, whichever is greater, if such number was more than 100; and

[(iii) contains such other information as the Secretary may by regulation prescribe; and]

(A) such application contains assurances satisfactory to the Secretary that in the school year (as defined in regulations of the Secretary) beginning in the fiscal year for which the applicant receives a grant under subsection (a) that—

(i) at least 25 individuals will complete the graduate educational program of the entity for which such application is submitted; and

(ii) such entity shall expend or obligate at least $100,000 in funds from non-Federal sources to conduct such programs; and

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TRAINEESHIPS FOR STUDENTS IN OTHER GRADUATE PROGRAMS

SEC. 791A. (a) The Secretary may make grants to public or nonprofit private educational entities, including graduate schools of social work but excluding accredited schools of public health, which offer a program in health administration, hospital administration, or health policy analysis and planning, which program is accredited by a body or bodies approved for such purposes by the Commissioner of Education and which meets such other quality standards as the Secretary by regulation may prescribe, for traineeships to train students enrolled in such a program.

(b) (1) No grant for traineeships may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, be submitted in such manner, and contain such information, as the Secretary by regulation may prescribe. Traineeships under such a grant shall be awarded in accordance with such regulations as the Secretary shall prescribe. The amount of any such grant shall be determined by the Secretary.

(2) Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

(3) In awarding traineeships under this section, each applicant shall assure to the satisfaction of the Secretary that at least 80 percent of the funds received under this section shall go to individuals who (A) have previously received a [postbaccalaureate] *baccalaureate* degree, or (B) have three years of work experience in health services.

(c) For payments under grants under subsection (a), there are authorized to be appropriated $2,500,000 for the fiscal year ending September 30, 1978; $2,500,000 for the fiscal year ending September 30, 1979; $2,500,000 for the fiscal year ending September 30, 1980; and $500,000 for the fiscal year ending September 30, 1982, and the next two fiscal years.

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TITLE VIII—NURSE TRAINING

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PART B—ASSISTANCE TO NURSING STUDENTS

Subpart I—Traineeships

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TRAINEESHIPS FOR TRAINING OF NURSE ANESTHETISTS

SEC. 831. (a) (1). The Secretary may make grants to public or private nonprofit institutions to cover the costs of traineeships for the training, in programs which meet such requirements as the Secretary shall by regulation prescribe and which are accredited by an entity or entities designated by the Commissioner of Education, of licensed, registered nurses to be nurse anethetists.

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(2) Payments to institutions under this subsection may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary. Such payments may be used only for traineeships and shall be limited to such amounts as the Secretary finds necessary to cover the costs of tuition and fees, and a stipend and allowances (including travel and subsistence expenses) for the trainees.

(b) For the purpose of making grants under subsection (a), there are authorized to be appropriated $2,000,000 for the fiscal year ending September 30, 1980, *$400,000 for the fiscal year ending September 30, 1983, and $800,000 for the fiscal year ending September 30, 1984.*

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PART C—GENERAL

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TECHNICAL ASSISTANCE

SEC. 857. Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

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TITLE X—POPULATION RESEARCH AND VOLUNTARY FAMILY PLANNING PROGRAMS

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PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

S53. 1001. (a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects which shall offer a broad range of acceptable and effective family planning methods and services (including natural family planning methods, infertility services, and services for adolescents). To the extent practicable, entities which receive grants or contracts under this subsection shall encourage family participation in projects assisted under this subsection.

(b) In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance. Local and regional entities shall be assured the right to apply for direct grants and contracts under this section, and the Secretary shall by regulation fully provide for and protect such right.

(c) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971; $60.000.000 for the fiscal year ending June 30, 1972; $111.500,000 for the fiscal years ending June 30, 1974, and June 30, 1975; $115,000,000 for fiscal year 1976; $115,000,000 for

the fiscal year ending September 30, 1977; $136,400,000 for the fiscal year ending September 30, 1978; $200,000,000 for the fiscal year ending September 30, 1979; $230,000,000 for the fiscal year ending September 30, 1980; $264,500,000 for the fiscal year ending September 30, 1981[.]; $126,510,000 for the fiscal year ending September 30, 1982; $139,200,000 for the fiscal year ending September 30, 1983; and $150,030,000 for the fiscal year ending September 30, 1984.

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TRAINING GRANTS AND CONTRACTS

SEC. 1003. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002.

(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971; $3,000,000 for the fiscal year ending June 30, 1972; $4,000,000 for the fiscal year ending June 30, 1973; and $3,000,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; $4,000,000 for fiscal year 1976; $5,000,000 for the fiscal year ending September 30, 1977; $3,000,000 for the fiscal year ending September 30, 1978; $3,100,000 for the fiscal year ending September 30, 1979; $3,600,000 for the fiscal year ending September 30, 1980; $4,100,000 for the fiscal year ending September 30, 1981[,]; $2,920,000 for the fiscal year ending September 30, 1982; $3,200,000 for the fiscal year ending September 30, 1983; and $3,500,000 for the fiscal year ending September 30, 1984.

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INFORMATIONAL AND EDUCATIONAL MATERIALS

SEC. 1005. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; $1,250,000 for the fiscal year ending June 30, 1973; $909,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; $2,000,000 for fiscal year 1976; $2,500,000 for the fiscal year ending September 30, 1977; $600,000 for the fiscal year ending September 30, 1978; $700,000 for the fiscal year ending September 30, 1979; $805,000 for the fiscal year ending September 30, 1980; $926,000 for the fiscal year ending September 30, 1981[.]; $570,000 for the fiscal year ending September 30, 1982; $600,000 for the fiscal year ending September 30, 1983; and $670,000 for the fiscal year ending September 30, 1984.

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TITLE XI—GENETIC DISEASES, HEMOPHILIA PROGRAMS, AND SUDDEN INFANT DEATH SYNDROME

PART A—GENETIC DISEASES

TESTING AND COUNSELING PROGRAMS AND INFORMATION AND EDUCATIONAL PROGRAMS

SEC. 1101. (a)(1) The Secretary, through an identifiable administrative unit within the Department of Health, Education, and Welfare, may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities, for projects to plan, establish and operate voluntary genetic testing and counseling programs primarily in conjunction with other existing health programs, including programs assisted under title V of the Social Security Act.

(2) The Secretary shall carry out, through an identifiable administrative unit within the Department of Health, Education, and Welfare, a program to develop information and educational materials related to genetic diseases and to disseminate such information and materials to persons providing health care, to teachers and students, and to the public generally in order to most rapidly make available the latest advances in the testing, diagnosis, counseling, and treatment of individuals respecting genetic diseases. The Secretary may, under such program, make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the development and dissemination of such materials.

(b) For the purpose of making payments pursuant to grants and contracts under this section and section 1107, there are authorized to be appropriated $30,000,000 for fiscal year 1976, $30,000,000 for fiscal year 1977, $30,000,000 for fiscal year 1978, $17,500,000 for the fiscal year ending September 30, 1979, $21,500,000 for the fiscal year ending September 30, 1980, and $26,000,000 for the fiscal year ending September 30, [1981] *1981*, and, subject to section 2194(b)(3) of the Maternal and Child Health Services Block Grant Act, $9,680,000 for the fiscal year ending September 30, 1982.

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TITLE XV—NATIONAL HEALTH PLANNING AND DEVELOPMENT

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PART D—GENERAL PROVISIONS

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SPECIAL PROVISIONS FOR CERTAIN STATES AND TERRITORIES

SEC. 1536. Upon application of the chief executive officer of a State or the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, or American Samoa, it shall, upon approval of the application, be considered to be a State for purposes of this title [and] *and*—

(1) no health service area shall be established within it,

(2) no health systems agency shall be designated for it,

(3) the State Agency designated for it under section 1521 may, in addition to the functions prescribed by section 1523, perform the functions prescribed by section 1513 and shall be eligible to receive grants authorized by section 1640, and

(4) the chief executive officer shall appoint the Statewide Health Coordinating Council prescriber by section 1524 in accordance with regulations of the Secretary.

An application made under this section for a fiscal year shall be made not later than November 1 in that fiscal year and shall contain the certification of the chief executive officer that the State is willing and able to meet the purposes of this title in such fiscal year without any health systems agency in the State.

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TITLE XVI—HEALTH RESOURCES DEVELOPMENT

PART A—LOANS AND LOAN GUARANTEES

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GENERAL PROVISIONS RELATING TO LOAN GUARANTEES AND LOANS

SEC. 1602 * * *

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(f)(1) The Secretary may take such action as may be necessary to prevent a default on a loan made or guaranteed under this part or under title VI, including the waiver of regulatory conditions, deferral of loan payments, renegotiation of loans, and the expenditure of funds for technical and consultative assistance, for the temporary payment of the interest and principal on such a loan, and for other purposes. Any such expenditure made under the preceding sentence on behalf of a medical facility shall be made under such terms and conditions as the Secretary shall prescribe, including the implementation of such organizational, operational, and financial reforms as the Secretary determines are appropriate and the disclosure of such financial or other information as the Secretary may require to determine the extent of the implementation of such reforms.

(2) The Secretary may take such action, consistent with State law respecting foreclosure procedures, as he deems appropriate to protect the interest of the United States in the event of a default on a loan made or guaranteed under this part or under title VI, including *selling real property pledged as security for such a loan or loan guarantee and* for a reasonable period of time taking possession of, holding, and using real property pledged as security for such a loan or loan guarantee.

TITLE XVII—HEALTH INFORMATION AND HEALTH PROMOTION

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[OFFICE OF HEALTH INFORMATION, HEALTH PROMOTION AND PHYSICAL FITNESS AND SPORTS MEDICINE] *OFFICE OF HEALTH PROMOTION*

SEC. 1706. (a) The Secretary shall establish within the Office of the Assistant Secretary for Health an Office of [Health Information, Health Promotion and Physicial Fitness and Sports Medicine] *Health Promotion* which shall—

(1) coordinate all activities within the Department which relate to health information and health promotion, preventive health services, and education in the appropriate use of health care;

(2) coordinate its activities with similar activities of organizations in the private sector;

(3) establish a national information clearinghouse to facilitate the exchange of information concerning matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care, to facilitate access to such information, and to assist in the analysis of issues and problems relating to such matters; and

(4) support projects, conduct research, and disseminate information in the areas of physical fitness and sports medicine.

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TITLE XIX—BLOCK GRANTS

PART A—PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT

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USE OF ALLOTMENTS

SEC. 1904. (a)(1) Except as provided in subsections (b) and (c), amounts paid to a State under section 1903 from its allotment under section 1902(a) and amounts transferred by the State for use under this part may be used for the following:

(A) Preventive health service programs for the control of rodents and community and school-based fluoridation programs.

(B) Establishing and maintaining preventive health service programs for screening for, the detection, diagnosis, prevention, and referral for treatment of, and follow-up on compliance with treatment prescribed for, hypertension.

(C) Community based programs for the purpose of demonstrating and evaluating optimal methods for organizing and delivering comprehensive preventive health services to defined populations,

comprehensive programs designed to deter smoking and the use of alcoholic beverages among children and adolescents, and other risk-reduction and health education programs.

(D) Comprehensive public health services.

(E) Demonstrate the establishment of home health agencies (as defined in section 1861(m) of the Social Security Act) in areas where the services of such agencies are not available. Amounts provided for such agencies may not be used for the direct provision of health services.

(F) Feasibility studies and planning for emergency medical services systems and the establishment, expansion, and improvement of such systems. Amounts for such systems may not be used for the costs of the operation of the systems or the purchae of equipment for the systems (*other than systems with respect to which grants were made as prescribed by section 1905(c)(2)*.

* * * * * * *

PART B—ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICE BLOCK GRANT

* * * * * * *

GRANTS AND ALLOTMENTS

SEC. 1912. (a) * * *

[(b)(1) From the remainder of the amount appropriated under section 1911 for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such remainder for that fiscal year as the amounts—

[(A) which would have been provided by the Secretary to the State and entities in the State under the Community Mental Health Centers Act and the Mental Health Systems Act for fiscal year 1981 if the Secretary had obligated all the funds for mental health services available for such Acts under Public Law 96–536, and

[(B) provided by the Secretary to the State and entities in the State under the laws referred to in subparagraphs (C) and (D) of paragraph (2) for fiscal year 1980,

bore to the total amount appropriated for mental health services for fiscal year 1981 under Public Law 96–536 under the Community Mental Health Centers Act and the Mental Health Systems Act and the total amount appropriated for fiscal year 1980 for the provisions of law referred to in subparagraphs (C) and (D) of paragraph (2).

[(2) The provisions of law referred to in paragraph (1) are the following provisions of law as in effect on the day before the date of the enactment of the Omnibus Budget Reconciliation Act of 1981:

[(A) The Community Mental Health Centers Act.

[(B) The Mental Health Systems Act.

[(C) Sections 301 and 312 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

[(D) Sections 409 and 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act.

[(3) To the extent that all the funds appropriated under section 1911 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to State because—

[(A) one or more States have not submitted an application or description of activities in accordance with section 1915 for the fiscal year;

[(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

[(C) some State allotments are offset or repaid under section 1916(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.]

(b)(1) From the remainder of the amount appropriated under section 1911 for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such remainder for that fiscal year as the amounts—

(A) which would have been provided by the Secretary to the State and entities in the State under section 301 of this Act for mental health services demonstrations and under the Community Mental Health Centers Act and the Mental Health Systems Act for mental health services for fiscal year 1981 if the Secretary had obligated all the funds for such purposes available for such Acts under Public Law 96–536, and

(B) provided by the Secretary to the State and entities in the State under the laws referred to in subparagraphs (D) and (E) of paragraph (2) for fiscal year 1980,

bore to the total amount appropriated for mental health services demonstrations and mental health services for fiscal year 1981 under Public Law 96–536 for section 301 of this Act, the Community Mental Health Centers Act and the Mental Health Systems Act and the total amount appropriated for fiscal year 1980 for the provisions of law referred to in subparagraphs (D) and (E) of paragraph (2).

(2) The provisions of law referred to in paragraph (1) are the following provisions of law as in effect on the day before the date of the enactment of the Omnibus Budget Reconciliation Act of 1981:

(A) The Community Mental Health Centers Act.

(B) The Mental Health Systems Act.

(C) Section 301 of this Act.

(D) Sections 301 and 312 of the Comprehensive Alcohol Abuse and Alcoholism, Prevention, Treatment, and Rehabilitation Act of 1970.

(E) Sections 409 and 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act.

(3) For purposes of paragraph (1), the total amount appropriated under Public Law 96–536 for mental health services demonstrations under section 301 of this Act shall be deemed not to exceed $20,000,000; and if such total amount did exceed $20,000,000, the amount that would have been provided to each State and entities in each State shall be ratably reduced for purposes of paragraph (1)(A) to conform to the limit prescribed by this paargraph.

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(4) To the extent that all the funds appropriated under section 1911 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

(A) one or more States have not submitted an application or description of activities in accordance with section 1915 for the fiscal year;

(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

(C) some State allotments are offset or repaid under section 1916(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.

* * * * * * *

APPLICATION AND DESCRIPTION OF ACTIVITIES

SEC. 1915. (a) * * *

* * * * * * *

(c) As part of the annual application required by subsection (a), the chief executive officer of each State shall certify as follows:

(1) The State agrees to use the funds allotted to it under section 1912 in accordance with the requirements of this part.

(2) Except as provided in subsection (e), for fiscal years 1982, 1983, and 1984, the State agrees to make grants, subject to paragraphs (3) and (4), to each community mental health center within the State which received a grant under the Community Mental Health Centers Act in fiscal year 1981 and which would be eligible to receive a grant for its operation under that Act (as in effect on the day before the date of the enactment of the Omnibus Budget Reconciliation Act of 1981) for such fiscal year if such grants were made under such Act.

(3) The State agrees to make grants to community mental health centers in the State for the provision of comprehensive mental health services—

(A) principally to individuals residing in a defined geographic area (hereinafter in this section referred to as a "mental health service area"), with special attention to individuals who are chronically mentally ill,

(B) within the limits of its capacity, to any individual residing or employed in its mental health service area regardless of ability to pay for such services, current or past health condition, or any other factor, and

(C) which are available and accessible promptly, as appropriate and in a manner which preserves human dignity and assures continuity and high quality care.

(4) The State agrees to require that any community mental health center in the State receiving a grant from the State under this part provide—

(A) outpatient services, including specialized outpatient services for children, the elderly, individuals who are chronically mentally ill, and residents of its mental health service

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area who have been discharged from inpatient treatment at a mental health facility,

(B) 24-hour-a-day emergency care services,

(C) day treatment or other partial hospitalization services,

(D) screening for patients being considered for admission to State mental health facilities to determine the appropriateness of such admission, and

(E) consultation and education services.

(5) The State agrees to establish reasonable criteria to evaluate the effective performance of entities which receive funds from the State under this part and *procedures for* procedural and substantive independent State review [procedures] of the failure by the State to provide funds for any such entity.

(6)(A) The State agrees to use the funds allotted to it under section 1912 for fiscal year 1982 for the mental health and alcohol and drug abuse activities prescribed by section 1914(a) as follows:

(i) The amount provided for mental health activities shall not exceed an amount which bears the same relationship to the funds allotted to the State for such fiscal year as the funds [for mental health services] which would have been received by the State and entities in the State in fiscal year 1981 *for mental health services* under the Community Mental Health Centers Act and the Mental Health Systems Act *and for mental health services demonstrations under section 301 of this Act* if the Secretary had obligated all of the funds appropriated for [such Acts] *such provisions of law* under Public Law 96–536 bore to the funds which would have been so received by the State and entities in the State in such fiscal year under [such Acts] *such provisions of law* and the funds received by the State and entities in the State in fiscal year 1980 under sections 301 and 312 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 and sections 409 and 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act.

(ii) The amount provided for alcohol and drug abuse activities shall not exceed an amount which bears the same relationship to the funds allotted to the State for such fiscal year as the funds received by the State and entities in the State in fiscal year 1980 under sections 301 and 312 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 and sections 409 and 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act bore to the funds received by the State and entities in the State in such fiscal year under such sections and the funds [for mental health services] which would have been received by the State and entities in the State in fiscal year 1981 *for mental health services* under the Community Mental Health Centers Act and the Mental Health Systems Act *for mental health services demonstrations under section 301 of this Act* if the Secretary had obligated all of the funds appropriated for [such Acts] *such provisions of law* under Public Law 96–536.

(B) The State agrees to use 95 percent of the funds allotted to it

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under section 1912 for fiscal year 1983 for the mental health and alcohol and drug abuse activities prescribed by section 1914(a) as prescribed by subparagraph (A).

(C) The State agrees to use 85 percent of the funds allotted to it under section 1912 for fiscal year 1984 for the mental heatlh and alcohol and drug abuse activities prescribed by section 1914(a) as prescribed by subparagraph (A).

* * * * * * *

SECTION 311 OF THE COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

GRANTS AND CONTRACTS FOR THE DEMONSTRATION OF NEW AND MORE EFFECTIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION PROGRAMS

SEC. 311. (a) The Secretary, acting through the Institute, may make grants to public and nonprofit private entities and may enter into contracts with public and private entities and with individuals—

(1) to conduct demonstration and evaluation projects, with a high priority on prevention and early intervention projects in occupational and educational settings and on modified community living and work-care arrangements such as halfway houses, recovery homes, and supervised home care, and with particular emphasis on developing new and more effective alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs,

(2) to support projects of a demonstration value in developing methods for the effective coordination of all alcoholism treatment, training, prevention, and research resources available within a health service area established under section 1511 of the Public Health Service Act, and

(3) to provide education and training, which may include additional training to enable treatment personnel to meet certification requirements of public or private accreditation or licensure, or requirements of third-party payors[.] ,

for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

* * * * * * *

CONSUMER PRODUCT SAFETY ACT

PUBLIC DISCLOSURE OF INFORMATION

SEC. 6. (a) * * *

(b)(1) Except as provided by paragraph [(2)] *(4)* of this subsection, not less than 30 days prior to its public disclosure of any information obtained under this Act, or to be disclosed to the public in connection therewith (unless the Commission finds that the public health and safety requires a lesser period of notice and publishes such a finding in the Federal Register), the Commission shall, to the extent

practicable, notify and provide a summary of the information to, each manufacturer or private labeler of any consumer product to which such information pertains, if the manner in which such consumer product is to be designated or described in such information will permit the public to ascertain readily the identity of such manufacturer or private labeler, and shall provide such manufacturer or private labeler with a reasonable opportunity to submit comments to the Commission in regard to such information. The Commission shall take reasonable steps to assure, prior to its public disclosure thereof, that information from which the identity of such manufacturer or private labeler may be readily ascertained is accurate, and that such disclosure is fair in the circumstances and reasonably related to effectuating the purposes of this Act. In disclosing any information under this subsection, the Commission may, and upon the request of the manufacturer or private labeler shall, include with the disclosure any comments or other information or a summary thereof submitted by such manufacturer or private labeler to the extent permitted by and subject to the requirements of this section.

* * * * * * *

JUDICIAL REVIEW OF CONSUMER PRODUCT SAFETY RULES

SEC. 11. (a) Not later than 60 days after a consumer product safety rule is promulgated by the Commission, any person adversely affected by such rule, or any consumer or consumer organization, may file a petition with the United States court of appeals for the District of Columbia or for the circuit in which such person, consumer, or organization resides or has his principal place of business for judicial review of such rule. Copes of the petition shall be forthwith transmtted by the clerk of the court to the Commission or other officer designated by it for that purpose and to the Attorney General. The record of the proceedings on which the Commission based its rule shall be filed in the court as provided for in section 2112 of title 28, United States Code.

For purposes of this section, the term "record" means such consumer product safety rule; any notice or proposal published pursuant to section 7, 8, or 9; the transcript required by section 9(d)(2) of any oral presentation; any written submission of interested parties; and any other information which the Commission considers relevant to such rule.

(b) If the petitioner applies to the court for leave to adduce additional data, views, or arguments and shows to the satisfaction of the court that such additional data, views, or arguments are material and that there were reasonable grounds for the petitioner's failure to adduce such data, views, or arguments in the proceeding before the Commission, the court may order the Commission to provide additional opportunity for the oral presentation of data, views, or arguments and for written submissions. The Commission may modify its findings, or make new findings by reason of the additional data, views, or arguments so taken and shall file such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original rule, with the return of such additional data, views, or arguments.

(c) Upon the filing of the petition under subsection (a) of this section the court shall have jurisdiction to review the consumer product safety rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided in such chapter. A court may in the interest of justice include in such relief an award of the costs of suit, including reasonable attorneys' fees (determined in accordance with [section 10(e)(4)] *subsection (f)*, and reasonable expert witnesses' fees. Attorneys' fees may be awarded against the United States (or any agency or official of the United States) without regard to section 2412 of title 28, United States Code, or any other provision of law. The consumer product safety rule shall not be affirmed unless the Commission's findings under sections 9(f)(1) and 9(f)(3) are supported by substantial evidence on the record taken as a whole.

(d) The judgment of the court affirming or setting aside, in whole or in part, any consumer product safety rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code.

* * * * * * *

PROHIBITED ACTS

SEC. 19. (a) It shall be unlawful for any person to—

(1) manufacture for sale, offer for sale, distribute in commerce, or import into the United States any consumer product which is not in conformity with an applicable consumer product safety standard under this Act;

(2) manufacture for sale, offer for sale, distribute in commerce, or import into the United States any consumer product which has been declared a banned hazardous product by a rule under this Act;

(3) fail or refuse to permit access to or copying of records, or fail or refuse to establish or maintain records, or fail or refuse to make reports or provide information, or fail or refuse to permit entry or inspection, as required under this Act or rule thereunder;

(4) fail to furnish information required by section 15(b);

(5) fail to comply with an order issued under section 15(c) or (d) (relating to notification, and to repair, replacement, and refund, and to prohibited acts);

(6) fail to furnish a certificate required by section 14 or issue a false certificate if such person in the exercise of due care has reason to know that such certificate is false or misleading in any material respect; or to fail to comply with any rule under section 14(c) (relating to labeling);

(7) fail to comply with any rule under section 9[(d)(2)] *(g)(2)* (relating to stockpiling);

[(8) fail to comply with any rule under section 13 (relating to prior notice and description of new consumer products);

[(9) fail to comply with any rule under section 27(e) (relating to provision of performance and technical data); or]

[10] *(8)* fail to comply with any rule or requirement under section 35 (relating to labeling and testing of cellulose insulation).

[10] *(9)* fail to file a statement with the Commission pursuant to section 18(b).

(b) Paragraphs (1) and (2) subsection (a) of this section shall not apply to any person (1) who holds a certificate issued in accordance with section 14(a) to the effect that such consumer product conforms to all applicable consumer product safety rules, unless such person knows that such consumer product does not conform, or (2) who relies in good faith on the representation of the manufacturer or a distributor of such product that the product is not subject to an applicable product safety rule.

* * * * * * *

LIMITATION ON JURISDICTION

SEC. 31. (a) The Commission shall have no authority under this Act to regulate any risk of injury associated with a consumer product if such risk could be eliminated or reduced to a sufficient extent by actions taken under the Occupational Safety and Health Act of 1970; the Atomic Energy Act of 1954; or the Clean Air Act. The Commission shall have no authority under this Act to regulate any risk of injury associated with electronic product radiation emitted from an electronic product (as such terms are defined by sections 355 (1) and (2) of the Public Health Service Act) if such risk of injury may be subjected to regulation under subpart 3 of part F of title III of the Public Health Service Act.

[(b)(1) The Commission may not issue an advance notice of proposed rulemaking for—

(A) a consumer product safety rule,

(B) a rule under section 27(e), or

(C) a regulation under section 2(q)(1) of the Federal Hazardous Substances Act,]

(b)(1) The Commission may not issue—

(A) an advance notice of proposed rulemaking for a consumer product safety rule,

(B) a notice of proposed rulemaking for a rule under section 27(e), or

(C) an advance notice of proposed rulemaking for regulations under section 2(q)(1) of the Federal Hazardous Substances Act,

relating to a risk of cancer, birth defects, or gene mutations from a consumer product unless a Chronic Hazard Advisory Panel, established under under section 28, has, in accordance with paragraph (2), submitted a report to the Commission with respect to whether a substance contained in such product is a carcinogen, mutagen, or teratogen.

* * * * * * *

SECTION 3 OF THE POISON PREVENTION PACKAGING ACT

[SPECIAL PACKAGING STANDARDS]

SEC. 3. (a) The Secretary [, after consultation with the technical advisory committee provided for in section 6 of this Act], may establish

in accordance with the provisions of this Act, by regulation, standards for the special packaging of any household substance if he finds that—

(1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance; and

(2) the special packaging to be required by such standard is technically feasible, practicable, and appropriate for such substance.

(b) In establishing a standard under this section, the Secretary shall consider—

(1) the reasonableness of such standard;

(2) available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;

(3) the manufacturing practices of industries affected by this Act; and

(4) the nature and use of the household substance.

(c) In carrying out this Act, the Secretary shall publish his finding, his reasons therefor, and citation of the sections of statutes which authorize his action.

(d) Nothing in this Act shall authorize the Secretary to prescribe specific packaging designs, product content, package quantity, or, with the exception of authority granted in section 4(a)(2) of this Act, labeling. In the case of a household substance for which special packaging is required pursuant to a regulation under this section, the Secretary may in such regulation prohibit the packaging of such substance in packages which he determines are unnecessarily attractive to children.

Section 15 of the Federal Hazardous Substances Act

NOTICE AND REPAIR, REPLACEMENT, OR REFUND

Sec. 15. (a) If any article or substance sold in commerce is defined as a banned hazardous substance (whether or not it was such at the time of its sale) and the Commission determines (after affording interested persons, including consumers and consumer organizations, an opportunity for a hearing) that notification is required to adequately protect the public from such article or substance, the Commission may order the manufacturer or any distributor or dealer of the article or substance to take any one or more of the following actions:

(1) To give public notice that the article or substance is a banned hazardous substance.

(2) To mail such notice to each person who is a manufacturer, distributor, or dealer of such article or substance.

(3) To mail such notice to every person to whom the person giving the notice knows such article or substance was delivered or sold.

An order under this subsection shall specify the form and content of any notice required to be given under the order.

(b) If any article or substance sold in commerce is defined as a banned hazardous substance (whether or not it was such at the time of its sale) and the Commission determines (after affording interested persons, including consumers and consumer organizations, an opportunity for a hearing) that action under this subsection is in the public interest, the Consumer Product Safety Commission may order the manufacturer, distributor, or dealer to take whichever of the following actions the person to whom the order is directed elects:

(1) If repairs to or changes in the article or substance may be made so that it will not be a banned hazardous substance, to make such repairs or changes.

(2) To replace such article or substance with a like or equivalent article or substance which is not a banned hazardous substance.

(3) To refund the purchase price of the article or substance (less a reasonable allowance for use, if the article or substance has been in the possession of the consumer for one year or more—

(A) at the time of public notice under subsection (a), or

(B) at the time the consumer receives actual notice that the article or substance is a banned hazardous substance, whichever first occurs).

An order under this subsection may also require the person to whom it applies to submit a plan, satisfactory to the Commission, for taking the action which such person has elected to take. The Commission shall specify in the order the persons to whom refunds must be made if the person to whom the order is directed elects to take the action described in paragraph (3). If an order under this subsection is directed to more than one person, the Commission shall specify which person has the election under this subsection. An order under this subsection may prohibit the person to whom it applies from manufacturing for sale, offering for sale, distributing in commerce, or importing into the customs territory of the United States (as defined in general headnote 2 to the Tariff Schedules of the United States), or from doing any combination of such actions, with respect to the article or substance with respect to which the order was issued.

(c) (1) No charge shall be made to any person (other than a manufacturer, distributor, or dealer) who avails himself of any remedy provided under an order issued under subsection (b), and the person subject to the order shall reimburse each person (other than a manufacturer, distributor, or dealer) who is entitled to such a remedy for any reasonable and foreseeable expenses incurred by such person in availing himself of such remedy.

(2) An order issued under subsection (a) or (b) with respect to an article or substance may require any person who is a manufacturer, distributor, or dealer of the article or substance to reimburse any other person who is a manufacturer, distributor, or dealer of such article or substance for such other person's expenses in connection with carrying out the order, if the Commission determines such reimbursement to be in the public interest.

(d) An order under subsection (a) or (b) may be issued only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, except that, if the Commission determines that any person who wishes to participate in such hearing is a part of a

class of participants who share an identity of interest, the Commission may limit such person's participation in such hearing to participation through a sigle representative designated by such class (or by the Commission if such class fails to designate such a representative).

(e) For the purposes of this section, (1) the term "manufacturer" includes an importer for resale, and (2) a dealer who sells at wholesale an article or substance shall with respect to that sale be considered the distributor of that article or substance.

SECTION 709 OF THE CONTROLLED SUBSTANCES ACT

[AUTHORIZATIONS OF APPROPRIATIONS] *PAYMENT OF TORT CLAIMS*

SEC. 709. [(a) There are authorized to be appropriated $105,000,000 for the fiscal year ending June 30, 1975, $175,000,000 for the fiscal year ending June 30, 1976, $200,000,000 for the fiscal year ending September 30, 1977, $188,000,000 for the fiscal year ending September 30, 1978, $215,000,000 for the fiscal year ending September 30, 1979, and $198,336,000 for the fiscal year ending September 30, 1980, for the expenses of the Department of Justice in carrying out its functions under this title.

[(b) No funds appropriated under any other provision of this Act may be used for the expenses of the Department of Justice for which funds are authorized to be appropriated by subsection (a) of this section.]

[(c)] Notwithstanding section 268(k) of title 28, United States Code, the Attorney General, in carrying out the functions of the Department of Justice under this title, is authorized to pay tort claims in the manner authorized by section 2672 of title 28, United States Code, when such claims arise in a foreign country in connection with the operations of the Drug Enforcement Administration abroad.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

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SECTION 302 OF THE HEALTH PLANNING AND RESOURCES DEVELOPMENT AMENDMENTS OF 1979

[STUDY

[SEC. 302. The Secretary of Health, Education, and Welfare shall conduct a study of the effect on the elimination of unneeded hospital services made during the two fiscal year period ending September 30, 1981, by the program authorized by part E of title XVI of the Public Health Service Act. The Secretary shall not later than January 1, 1982, report the results of the study to Congress together with his recommendations for any revisions in the program under such part E which he determines to be appropriate, including any revision in the authorizations of appropriations for grants under such program.]

SECTION 22 OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

SEC. 22. (a) It is the purpose of this section to establish a National Institute for Occupational Safety and Health [in the Department of Health, Education, and Welfare] in order to carry out the policy set forth in section 2 of this Act and to perform the functions of the Secretary of Health[, Education, and Welfare] *and Human Services* under sections 20 and 21 of this Act.

(b) There is hereby established [in the Department of Health, Education, and Welfare] a National Institute for Occupational Safety and Health. *The Institute shall be an agency of the National Institutes of Health.* The Institute shall be headed by a Director who shall be appointed by the Secretary of Health[, Education, and Welfare] *and Human Services*, and who shall serve for a term of six years unless previously removed by the Secretary of Health[, Education, and Welfare] *and Human Services.*

(c) The Institute is authorized to—

(1) develop and establish recommended occupational safety and health standards; and

(2) perform all functions of the Secretary of Health[, Education, and Welfare] *and Human Services* under sections 20 and 21 of this Act.

(d) Upon his own initiative, or upon the request of the Secretary or the Secretary of Health[, Education, and Welfare] *and Human Services*, the Director is authorized (1) to conduct such research and experimental programs as he determines are necessary for the development of criteria for new and improved occupational safety and health standards, and (2) after consideration of the results of such research and experimental programs make recommendations concerning new or improved occupational safety and health standards. Any occupational safety and health standard recommended pursuant to this section shall immediately be forwarded to the Secretary of Labor, and to the Secretary of Health[, Education, and Welfare.] *and Human Services.*

(e) In addition to any authority vested in the Institute by the other provisions of this section, the Director, in carrying out the functions of the Institute, is authorized to—

(1) prescribe such regulations as he deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Institute and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)), money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) in accordance with the civil service laws, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this section;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this section, and such contracts or modifications thereof may be entered into without performance of other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or any other provision of law relating to competitive bidding;

(8) make advance, progress, and other payments which the Director deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(9) make other necessary expenditures.

(f) The Director shall submit to the Secretary of Health, Education, and Welfare, *and Human Services*, to the President, and to the Congress an annual report of the operations of the Institute under this Act, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as he deems appropriate.

FEDERAL SECURITY AGENCY APPROPRIATION ACT, 1946

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TITLE II—FEDERAL SECURITY AGENCY

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PUBLIC HEALTH SERVICE

For necessary expenses in carrying out the functions of the Public Health Service in accordance with the Act of July 1, 1944 (Public

Law 410) (hereinafter referred to as the Act), and other Acts, including (with the exception of the appropriation "Pay, and so forth, commissioned officers, Public Health Service") personal services in the District of Columbia; maintenance, repair, and operation of passenger automobiles; purchase of reports, documents, and other material for publication and of reprints from State, city, and private publications; lawbooks, books of reference, and periodicals, for use at the seat of government and elsewhere; contract stenographic services without regard to section 3709 of the Revised Statutes or the civil-service or classification laws; preparation and display of posters and exhibits by contract or otherwise; packing, unpacking, crating, uncrating, drayage, and transportation of personal effects of commissioned officers and transportation of their dependents on change of station; increased allowances to reserve officers for foreign service and transporting in Government-owned automotive equipment, to and from school, children of personnel who have quarters for themselves and their families at isolated stations; as follows:

Venereal diseases: To carry out the purposes of sections 314(a) and 363 of the Act with respect to venereal diseases, including the purchase of two passenger automobiles, $11,949,000.

Venereal disease (national defense): For the operation and maintenance of centers for the diagnosis, treatment, support, and clothing of persons afflicted with venereal diseases, including travel; printing and binding; transportation and subsistence of such persons and their attendants to and from the place of treatment or allowance in lieu thereof; diagnosis and treatment (including emergency treatment for other illnesses) of such persons through contracts with physicians and hospitals and other appropriate institutions without regard to section 3709 of the Revised Statutes; fees for case finding and referral to such centers of voluntary patients; reasonable expenses of preparing remains or burial of deceased patients; furnishing and laundering of uniforms and other distinctive wearing apparel necessary for employees in the performance of their official duties; recreational supplies and equipment; leasing of facilities and repair and alteration of Government-owned or leased facilities without regard to section 3709 of the Revised Statutes and section 322 of the Act of June 30, 1932, as amended (40 U.S.C. 278a); purchase of twenty passenger automobiles; and for grants of money, services, supplies, equipment, and use of facilities to States, as defined in the Act, and with the approval of the respective State health authorities, to counties, health districts, and other political subdivisions of the States, for the foregoing purposes, in such amounts and upon such terms and conditions as the Surgeon General may determine; $4,644,000: *Provided*, That the Administrator of the Federal Works Agency shall, without transfer of funds by the Federal Security Agency, transfer to the Federal Security Agency all records, equipment, furnishings, and supplies under the jurisdiction of the Federal Works Agency which have been used primarily in the treatment of venereal diseases: *Provided further*, That funds may be transferred with the approval of the Bureau of the Budget to this appropriation from the appropriation "Control of venereal diseases, Public Health Service", in an amount not exceeding $356,000, and shall be consolidated with this appropriation and the whole administered and accounted for as one fund.

Tuberculuosis: To carry out the purposes of section 314(b) of the Act, $6,047,000.

Assistance to States, general: To carry out the purposes of section 314(c) of the Act, $11,467,000.

Communicable diseases: To carry out those provisions of sections 311 and 361 of the Act relating to the prevention and suppression of communicable diseases, the interstate transmission and spread thereof, and the enforcement of any applicable quarantine laws, including the purchase of one pasenger automobile, $1,040,000.

Industrial hygiene: For field investigations and demonstrations in industrial hygiene, $134,000.

Health and sanitation activities, war and defense areas (national defense): To carry out the purposes of section 604 of the Act, and the development and prosecution of a program for the control of communicable diseases, including travel; printing and binding; the purchase of twenty-five passenger automobiles; and the purchase of oils, larvicides, and other diluents, without regard to section 3709 of the Revised Statutes; $2,615,000.

Malaria and diseases of tropical origin (national defense): To carry out the provisions of sections 311 and 604 of the Act with respect to the control of malaria and diseases of tropical origin, including travel; printing and binding; the purchase of forty-five passenger automobiles; hire, maintenance, and operation of aircraft; and the purchase of oils, larvicides, and other diluents, without regard to section 3709 of the Revised Statutes; $10,897,000.

Hospitals and medical care: For carrying out the purposes of section 301 with respect to mental diseases, and sections 302, 321, 322, 324, 326, 331, 332, 341, 343, 344, 502, 504, and 610 of the Act, and Executive Order 9079, dated February 26, 1942, including minor repairs and maintenance; purchase of fifteen passenger automobiles, including one ambulance; transportation to their homes in the continental United States of recovered indigent leper patients; court costs and other expenses incident to proceedings heretofore or hereafter taken for commiment of mentally incompetent persons to hospitals for the care and treatment of the insane; expenses of preparing and transporting remains, or reasonable burial expenses, for any patient dying in hospital; firearms and ammunition; travel; reimbursement to the working capital fund for articles or services furnished by the industrial activities; expenses incurred in pursuing, identifying, and returning escaped prisoners, including rewards for their capture; purchase and exchange of farm products and livestock; not to exceed $500 for newspapers; furnishing and laundering of uniforms and other distinctive wearing apparel necessary for employees in the performance of their official duties; transportation and subsistence allowance, within continental United States, of any narcotic addict voluntarily admitted and discharged as cured; reimbursement to employees for the cost of repair or replacement (where the damage exceeds $2 and does not exceed $100) of personal belongings damaged or destroyed by patients while employees were in line of duty; and tobacco for patients; $15,501,300, of which not to exceed $115,514 shall be available for the furnishing by the Public Health Service to and at the request of any Federal department or independent establishment, including Government-owned corporations,

of coordinating and consultative services with respect to methods and standards for operating emergency health facilities in such department or establishment, including in-service training of such emergency health facility personnel, and for providing employees of such agencies (1) tuberculosis and psychiatric examinations, and (2) health and nutrition instruction through lectures and demonstrations: *Provided*, That this appropriation shall be available for the expenses incurred in furnishing medical and hospital treatment, including dental care, to active-duty personnel of the Navy and Marine Corps in Marine hospitals and out-patient offices.

Foreign quarantine service: For the medical inspection of aliens, the maintenance and ordinary expenses of United States quarantine stations and supplementary activities abroad, and the care and treatment of quarantine detainees in private or other public hospitals when facilities of the Public Health Service are not available, including the purchase of not to exceed three motor-propelled passenger-carrying vehicles; $1,254,000.

National Institute of Health, operating expenses: For the activities of the National Institute of Health, not otherwise provided for, including the regulation and preparation of biologic products; the purchase of two passenger automobiles; the purchase, repair, and cleaning of uniforms for the guard force; and maintenance of buildings; $1,688,000, of which $100,000 shall be available for grants-in-aid in accordance with the provisions of Public Law 410, section 301(d).

National Cancer Institute, operating expenses: To carry out the purposes of title IV of the Act, $490,000.

Commissioned officers, pay, and so forth: For pay, uniforms and subsistence allowances, increased allowances for foreign service and commutation of quarters for not to exceed nine hundred and two regular, active commissioned officers; for retired pay of regular and reserve commissioned officers; and for six months' death gratuity pay and burial payments for regular commissioned officers, $4,586,200: *Provided*, That for purposes of pay and pay period the officers appointed to grades above that of senior assistant pursuant to authority contained in the First Supplemental Appropriation Act, 1945, under the heading "Tuberculosis" shall be considered as having had on the date of appointment service equal to that of the junior officer of the grade to which appointed.

Training for nurses (national defense): For carrying out the purposes of the Act of June 15, 1943 (Public Law 74, Seventy-eighth Congress, as amended), $59,957,000, of which not to exceed $788,255 shall be available for administrative expenses, including printing and binding; and travel: *Provided*, That this appropriation is hereby made available for transfer to and consolidation with appropriations of Saint Elizabeths and Freedmen's Hospitals, in such amounts as may be deemed necessary by the Federal Security Administrator, to cover the cost of items furnished to student nurses in training under plans approved for such hospitals in accordance with the Act of June 15, 1943 (Public Law 74), as amended.

Service and supply fund: For the establishment of a service and supply fund, $250,000, without fiscal year limitation, for the payment of salaries, travel, and other expenses necessary to the maintenance and operation of (1) a supply service for the purchase, storage, han-

dling, issuance, packing, or shipping of stationery, supplies, materials, equipment, and blank forms, for which stocks may be maintained to meet, in whole or in part, requirements of the Public Health Service and requisitions of other Government offices, and (2) such other services as the Surgeon General, with the approval of the Administrator of the Federal Security Agency, determines may be performed more advantageously as central services; said fund to be reimbursed from applicable appropriations or funds available when services are performed or stock furnished, *or in advance*, on the basis of rates which shall include estimated or actual charges for personal services, materials, equipment (including maintenance, repairs, and depreciation), and other expenses.

Salaries and miscellaneous expenses: For the divisions and offices of the office of the Surgeon General and for miscellaneous and contingent expenses of the Public Health Service not appropriated for elsewhere, including the supervision of sanitary engineering and dental operations of the Public Health Service; maintenance and operation of the water and sanitary investigations station at Cincinnati, Ohio; collecting and compiling mortality, morbidity, and vital statistics; preparing information, articles, and publications related to public health; conducting studies and demonstrations in public health methods; nominal compensation of collaborating epidemiologists and others; purchase of two passenger automobiles; and allowances for living quarters, including fuel, heat, and light, as authorized by the Act approved June 26, 1930 (5 U.S.C. 118(a)); $1,178,000.

Post-war planning: To enable the Surgean General, either independently or in cooperation with public and private agencies, including individuals, to plan post-war health and health facilities construction programs, $317,000.

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DISSENTING VIEWS ON H.R. 6355

In its committee report, the Energy and Commerce Committee has recommended that the "proposed consolidation of the NIOSH Division of Criteria, Documentation, Standards, and Development in Rockville, Maryland with the NIOSH Technical Services Division in Cincinnati, Ohio be completed in Cincinnati, Ohio." I would like to state my strong opposition to this recommendation. The transfer of Rockville employees to Cincinnati will have a severe adverse effect on the ability of NIOSH to properly perform its mandate, and will generate unnecessary inefficiencies in the system.

The Division of Criteria, Documentation, and Standards Development [DCDSD] has the primary function of developing and recommending standards on occupational health hazards for the use of the Department of Labor. A crucial factor in the development of these standards is that of access to the proper informational sources. Given its limited staff budget, NIOSH cannot depend primarily on in-house resources for the development of research studies and standards. Rather, it draws upon the current research literature and the outside expertise of selected individuals and organizations. Access to these resources is most easily available in Washington, D.C. Moving the division of NIOSH analysts to Cincinnati, Ohio would effectively remove it from its primary sources of information. The transfer of the Rockville employees to Cincinnati would thus result in reduced efficiency and effectiveness, and could well generate duplication of activities and increased costs.

I would recommend, therefore, that the staff responsible for the development and recommendation of standards remain in Rockville, Maryland in order to retain their crucial proximity to sources of information. While the technical aspects of printing and publishing the final documents can easily remain in Cincinnati, Ohio, it appears to be both illogical and inefficient to transfer the analysts to that site of technical publication and distribution.

BARBARA A. MIKULSKI.